

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12692, of Associated General Contractors of America, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue the use of a parking lot in the SP District at the premises 504-508 - 19th Street, N.W., (Square 122, Lot 820).

HEARING DATE: July 19, 1978
DECISION DATE: August 2, 1978

FINDINGS OF FACT:

1. The subject parking lot is located on the west side of 19th Street, N.W., between E and F Streets in an SP District and is known as 504-508 - 19th Street, N.W.
2. The site is bounded on the north by a George Washington dormitory, on the west by a parking lot which operates in conjunction with the subject lot, and on the south by a liquor store. The adjoining parking lot, Lots 21, 22, 802, 803, 805 and 807, is a non-conforming use established in October 1957 when the square was zoned first commercial (Occupancy Permit #B7958). It is approximately 11,800 square feet in area and is bounded on the west by the headquarters of Associated General Contractors of America building. Both lots are leased by the owner, Associated General Contractors of America, to the Parking Management, Incorporated.
3. The subject parking lot is located in a mixed-use area to the south of George Washington University. Federal Government office buildings are located south and east of the subject square.
4. The applicant proposes to continue the use of the subject site as a commercial parking lot. The parking lot contains twenty-five spaces and is used primarily for all-day parking by occupants of the surrounding office uses.
5. The Board granted permission to operate the parking lot by BZA Order No. 11033, dated January 19, 1972, for a period of five years.

6. The applicant was granted permission to continue the use of the site for a parking lot by BZA Order No. 12373, dated April 6, 1977, for a period of one year. At the prior public hearing the applicant testified that it had plans to build on the subject lot and that the Board of Zoning Adjustment had approved such plans. The plans were never implemented because the projected tenant for the building withdrew. The owner of the subject lot now has no immediate plans to build on the subject lot.

7. The Municipal Planning Office made a site inspection of the lot and found the lot to be in compliance with all the conditions of the previous Order of the Board.

8. The Department of Transportation, by memorandum, dated June 16, 1978 recommended that the application be granted for not longer than four years. The Department found the lot to be clean and well kept, and had received no complaints. After four years the Department would reevaluate a reapplication to determine the accessibility by transit of the facilities served by the subject parking lot.

9. The operator of the lot testified that no complaints had been received as to the operation and maintenance of the lot.

10. The West End Citizens Association objected to the application on the grounds that it opposes all commercial parking lots in SP Districts when the site could be used for residential purposes.

11. Advisory Neighborhood Commission 2A objected to the application on the same grounds as the aforementioned West End Citizens Association **but** stated that if granted the use of the subject lot should be restricted to the employees and visitors of the applicant.

12. There was no further opposition to the application.

13. As to the "concerns and issues" of the ANC, the Board finds that the ANC did not state any specific objections to this particular application. Based on testimony from the applicant and the Department of Transportation, the Board is unable to find any objectionable traffic consequences or other objectionable conditions. The Board finds that the use reasonably serves workers in the area including some of the employees of the applicant, and that the ANC has not demonstrated why this use should not be continued. The Board finds that this parking is not limited to being accessory to the Associated General Contractors building at 20th and E Streets, and that there is no sufficient reason to require that it be so.

The Board further notes that it will judge each application on its own merits and not on generalization.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the use of the subject parking lot is so located and all facilities thereof are so designed that they are not likely to become objectionable to adjoining and nearby property because of noise, traffic, or other objectionable conditions and that the present character and future development of the neighborhood will not be affected adversely by the use. The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property. The Board concludes that it has given "great weight" to the issues and concerns of the ANC, and for the reasons stated, does not find the reasoning of the ANC to be persuasive. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:


- a. Approval shall be for a period of four years from the date of expiration of the previous Certificate of Occupancy, which may be renewed at the discretion of the Board upon the filing of a proper application.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. An eight inch coping shall be erected and maintained along each side of all driveways to protect the public space.
- d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- g. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

- h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (Chloethiel Woodard Smith, Charles R. Norris, Theodore F. Mariani and William F. McIntosh to GRANT; Leonard L. McCants no present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

11 SEP 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.